

Floats as public nuisances

I spoke with Terry Pruitt in May '07 about derelict floats. He felt that we have a good faith basis to argue that derelict floats are a public nuisance

- Anything that obstructs the water could be considered a public nuisance
- Public nuisances can be abated by a public entity
- He suggested we post but we don't have to
- Abandoned property statutes (RCW 63.21) not as applicable

RCW 7.48.140 Public nuisances enumerated.

It is a public nuisance:

...

(3) To obstruct or impede, without legal authority, the passage of any river, harbor, or collection of water;

...

RCW 7.48.220 Abatement, by whom.

A public nuisance may be abated by any public body or officer authorized thereto by law.

NOAA's Marine Debris Program might be a good opportunity to get funds for derelict float removal in 2008. Funding available ranges from \$15,000 to \$150,000 per project. Winning projects will collaborate with other agencies, have local community support, be quantifiable, leverage existing funds and have lasting impact. Since many of the floats have additional marine debris on board we could potentially coordinate with Northwest Straits Commission and include derelict fishing gear removal as an additional component of the project.